



**JULIA BROWNLEY**  
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May 4, 2007

Leonard E. Robinson, Chief Deputy Director  
Norman Riley, SSFL Project Manager  
Rick Brausch, Deputy Director for Legislation  
1001 "I" Street, P.O. Box 806  
Sacramento, CA 95812-0806

**Re: Santa Susana Field Lab (SSFL) Closure Plan**

Dear Sirs:

I would like to take this opportunity to state my concerns about the process that will be employed with respect to closure of the RMHF at the SSFL. Specifically, this is occasioned by 1) the issuance on May 2, 2007 of the U.S. District Court's order for summary judgment ordering the DOE to complete an EIS following a finding of a violation of NEPA and enjoining release of the site; and 2) what I understand are discussions this past March between DTSC and DOE/Boeing and the possible ceding by DTSC of its regulatory responsibilities over the site to the DOE/Boeing.

It is significant that the District Court has declared the DOE to be in violation of NEPA, and that the DOE is enjoined from releasing any portion of Area IV pending the EIS. The opinion can only be described as a scathing indictment of DOE's justifications for proceeding via a FONSI as opposed to an EIS.

In it, the court includes DTSC's comments that were submitted in connection with the litigation, including your stated concerns about the insufficiency of the data to support the assumptions used to estimate waste volume, problems with the 1995 characterization data prepared by Rocketdyne, failure to address past radiological releases, and failure to address multiple and cumulative exposures (chemical and radiological). The opinion is also highly critical of the Rocketdyne Survey, on which the DOE relied, and as did the EPA until they inexplicably reversed position in 2001-02. That ultimately triggered the lawsuit.

The May 2 opinion called the DOE's FONSI decision, "a clear error of judgment" and "highly controversial," and the Rocketdyne Survey, done by the polluter and on which most of the soil radioactivity information was based, "riddled with problems."

Following the court's lengthy and detailed recitals of the insufficiencies of the DOE's proposed cleanup of this highly contaminated site, it was stunning just a day later to be informed that DTSC engaged in non-public discussions with the DOE and Boeing in March, wherein you reportedly indicated your willingness to cede your obligations and RCRA regulatory responsibilities for the chemical cleanup of the site to the DOE and Boeing.

Given the dreadful history and record of the DOE and Boeing to date, it is hard to conceive of beneficiaries of your responsibilities who are less appropriate than the DOE and the polluter (who appear to have become essentially each other's alter egos, with the DOE offices actually inside the Boeing offices.) Characterizing this as merely "minimizing overlapping regulatory burdens" trivializes what is a very serious matter.

Such a decision on your part would also mark a cruel breach of trust with the community that you looked in the eye and promised a new start, but upon whom you now seem to be turning your backs.

1. Please advise **within 14 days of this letter** what the substance was of your March discussions with the DOE and/or Boeing as to your relative roles in the cleanup of Area IV; what, if any, understandings or agreements were reached pursuant to those discussions; and produce copies of any and all meeting notes or other documents and related correspondence.
2. This is also my formal request that, given the deficiencies in the environmental review of the Area IV cleanup and pending District Court orders and injunction, that DTSC immediately suspends all actions in furtherance of the Closure Plan for Area IV, particularly Building 4024 and the RMHF, to allow my office and the parties to review the opinion and to weigh our options. The District Court has ended Boeing's hopes for a "quick and dirty" cleanup. Under all the current circumstances, the protection of the public health and safety for which we are both responsible mandate that DTSC take no further steps to facilitate Boeing's intended fast-track demolition of these two facilities by either signing off on closure or by waiving your authority over the chemical cleanup.

This is a very unfortunate turn of events, and one which I did not expect from the state agency charged with protecting this community. Your timely response is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Julia Brownley". The signature is fluid and cursive, with a large loop at the end.

**JULIA BROWNLEY,**  
Assemblymember, 41<sup>st</sup> AD

cc: U.S. Senator Barbara Boxer  
U.S. Senator Dianne Feinstein  
Congressman Henry Waxman  
State Senator Sheila J. Kuehl  
Attorney General Jerry Brown  
L.A. County Supervisor Zev Yaroslavsky  
Christina Walsh, Rocketdyne Watch